

WESTFIELD TOWN COUNCIL, September 11, 2006

The Westfield Town Council met in regular session Monday, September 11, 2006 at the Westfield Town Hall. Members present were Teresa Otis Skelton, Jack Hart, Bob Smith, David Mikesell, and Ron Thomas. Also present were Clerk-Treasurer, Cindy Gossard, Town Manager, Jerry Rosenberger and Legal Council, Brian Zaiger. President Smith called the meeting to order at 7:05 p.m.

President Smith stated that the Ackerson Farms PUD will be heard tonight as the first reading.

Approval of Minutes:

Ron Thomas made a motion to approve August 14, 2006 minutes as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ron Thomas made a motion to approve August 19, 2006 Special Meeting minutes as presented. Dave Mikesell seconded. Vote: Yes-4; No-0; Abstain-1 (T. Skelton). Motion carried.

Teresa Skelton made a motion to approve August 21, 2006 Special Meeting minutes as presented. Ron Thomas seconded. Vote: Yes-5; No-0. Motion carried.

Guests:

None.

Council Comment on Guest Comments

Old Business:

Ordinance 06-26 Westfield Advisory Plan Commission Structure First Reading – August 14, 2006 Second Reading

Ron Thomas stated he felt there was no need to address this issue at this time and to give up the Joinder Agreement. Ron also stated he would ask that this Ordinance not be considered or a motion made to be denied.

Jerry Rosenberger stated this is the second reading for this Ordinance that would establish a municipal plan commission comprised of 7 persons appointed by the town executive and the town council. Jerry explained this Ordinance also contains a request that Hamilton County allow the town to provide planning for a 2 mile fringe from the corporate limits.

Jerry stated this Ordinance provides for this change to be effective on December 1, 2006.

President Smith stated he felt that due to the population numbers this change needed to be made to represent the people in the affected areas. Bob also stated that Plan Commission structure is based on population numbers.

Ron Thomas made a motion to deny. There was no second. Motion failed.

Jack Hart made a motion to approve Ordinance 06-26 as presented. Dave Mikesell seconded. Vote: Yes-4; No-1; (R. Thomas). Motion carried.

Information Technology Procedures

Jerry Rosenberger explained these policies were presented at the August meeting for the council to review.

Jerry asked the council to consider a motion to approve these policies.

Ron Thomas made a motion to approve the Information Technology Policies as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-28 Water Service Rules and Regulations First Reading – August 14, 2006 Public Hearing – August 14, 2006 Second Reading

Teresa Skelton made a motion to approve Ordinance 06-28 as presented. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Regulatory Changes/Council Introduction

First Council Consideration

Dison Rezone (SR 32 West) SF-5 to AG-SF-1

Kevin Buchheit gave a brief presentation and introduced the petitioner.

Bill Dison also gave a brief presentation on this project.

Ron Thomas questioned Mr. Dison on the special exceptions and if he would be willing to make a commitment on this.

Send to Plan Commission.

Wilma Shimer had concerns regarding the entrance to the Dison project being a one lane road.

Second Council Consideration

None.

New Business:

Selection of Architect for Town Hall Expansion

President Smith explained they have interviewed several architects and had come to a decision and would give the project to Odle, McGuire and Schook.

Ron Thomas made a motion to approve Odle, McGuire and Schook for Town Hall expansion project. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

**Ordinance 06-40 Infrastructure Fee Changes and Letter of Credit
First Reading**

Bruce Hauk explained this Ordinance proposes additional fees associated with the review of PUD and rezone documents as they relate to standards in place at Public Works. Bruce further explained this would allow the use of letters of credit in lieu of performance or maintenance bonds requirements.

Bruce also explained the changes made to Section 1; Sub-Section 5 requested by Ron Thomas.

Jerry Rosenberger stated this Ordinance would come back to the Council in October.

**Ordinance 06-41 Vacant Lot Fee for Water Service
First Reading
Public Hearing-September 11, 2006**

Bruce Hauk explained the financing of the Westside Interceptor and why the next 3 Ordinances need to be approved.

Bruce Hauk also stated this ordinance adds vacant lot fees to the schedule of fees associated with the water department.

Public Hearing opened 7:52p.m.

Wilma Shimer has concerns regarding these fees on 5 lots she is unable to build on.

Public Hearing closed 7:54p.m.

Ron Thomas made a motion to suspend the rules to approve Ordinance 06-41 on first reading as amended. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Ron Thomas made a motion to approve Ordinance 06-41 to allow a 24 month waiting period for existing lots to be incorporated into this document. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-42

**Amendment to Wastewater Fees/Vacant Lot Fee
First Reading
Public Hearing-September 11, 2006**

Bruce Hauk stated this Ordinance is essentially the same as 06-41.

Public Hearing opened 7:55p.m.

None.

Public Hearing closed 7:56p.m.

Ron Thomas made a motion to suspend the rules to approve Ordinance 06-42 as amended on first reading. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Ron Thomas made a motion to approve Ordinance 06-42 with the 24 month waiting period for existing lots to be incorporated into this document. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-43

**Amendment to Wastewater Fees
Change of Availability Fee/Take or Pay Agreements
First Reading
Public Hearing-September 11, 2006**

Bruce Hauk explained Ordinance 06-43 allows the availability fees to be raised to 3500 per EDU and will allow the staff to negotiate take or pay agreements and get back to the Council for approval.

Public Hearing opened 7:58p.m.

None.

Public Hearing closed 7:59p.m.

Ron Thomas made a motion to suspend the rules to approve Ordinance 06-43 as amended on first reading. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ron Thomas made a motion to approve Ordinance 06-43 with text amendment changes. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

**Ordinance 06-44 Amendment to Water Fees
Take or Pay Agreements
First Reading**

Bruce Hauk this is essentially the same as Ordinance 06-42 with no adjustments to the availability fees.

Ron Thomas made a motion to suspend the rules to approve Ordinance 06-44 as amended on first reading. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Jack Hart made a motion to approve Ordinance 06-44 with text changes made. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

**Ordinance 06-37 Rezone Petition-Westgate
From AG-SF-1 to Westgate PUD
First Reading- August 14, 2006
Second Reading**

Teresa Skelton recused herself from this discussion.

John Talbot from Drees Homes explained since last council meeting several meetings have taken place and all standards are being complied with.

Jack Hart made a motion to approve Ordinance 06-37 with the following provisions. The Petitioner will dedicate all rights of way necessary for the expanded Town Road on the west side of the development without use of any road impact fee credits. The petitioner also agrees to build the major collector street that runs through the development (east to west) at their cost and without use of any road impact fee credits. Dave Mikesell seconded. Vote: Yes-3; No-1 (R. Thomas). Motion carried.

**Ordinance 06-46 Rezone Petition-Eagle Station
From AG-SF-1 to Eagle Station PUD
First Reading**

Kevin Buchheit stated this comes to the council with a positive recommendation from the Plan Commission.

John Dobosiewicz explained the changes made to Section 3.

Bo Wilfong gave a brief presentation on Eagle Station and his commitments to the Town.

Teresa Skelton made a motion to approve Ordinance 06-46 with the amendment of Section 3. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

**Ordinance 06-47 Rezone Petition-Ackerson Farm
From AG-SF-1 to Ackerson Farm PUD
First Reading**

Kevin Buchheit stated this is a rezone of 332 acres and comes to the Council with a positive recommendation from the Plan Commission.

Nels Ackerson spoke regarding his rezone petition discussing the fiscal impact from this project to the Town.

President Smith stated the Take or Pay Agreement was the remaining issue left to resolve

**Ordinance 06-35 Annexation of Carter/Dunkerly property
First Reading-Public Hearing**

Jerry Rosenberger presented this item explaining this is a voluntary annexation request and is part of the expanded Bridgewater properties.

Public Hearing opened 8:36p.m.

None.

Public Hearing closed 8:37p.m.

Jerry stated this Ordinance will return to the Council in October with a Fiscal Plan.

**Ordinance 06-36 Annexation of Andover “Gap”
First Reading-Public Hearing**

Jerry Rosenberger presented this item explaining this is also a voluntary annexation request and is part of the original Andover properties.

Public Hearing opened 8:37p.m.

None.

Public Hearing closed 8:38p.m.

Jerry explained this Ordinance will also return to the Council in October with a Fiscal Plan.

**Ordinance 06-17 Amendment to Traffic Regulations
First Reading**

Jerry Rosenberger presented this item stating that a couple times a year we need to amend our traffic regulations that identify all of the new streets and speed signage. Jerry explained having these identified in our Ordinance will allow the Police Department to write tickets on the town’s ordinances.

Ron Thomas made a motion to suspend the rules to approve Ordinance 06-17 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ron Thomas made a motion to approve Ordinance 06-17 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

**Ordinance 06-32 Septic and Well Conversion Policy/Procedure
First Reading**

Bruce Hauk presented this item explaining this Ordinance will allow existing subdivisions to potentially become part of the town's public services. Bruce stated this would be adding existing well and septic customers to the town if the customers desires.

Ron Thomas made a motion to suspend the rules to approve Ordinance 06-32 as presented on first reading. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ron Thomas made a motion to approve Ordinance 06-32 as presented. Teresa Skelton seconded. Vote; Yes-5; No-0. Motion carried.

2007 Town Budget Public Hearing

Jerry Rosenberger gave a brief presentation on the 2007 Budget and how it was accomplished.

Public Hearing opened 8:58p.m.

Cindy Spoljaric spoke regarding the need for a line item for an Economic Development professional position for the Town.

Public Hearing closed 9:00p.m.

Jerry stated that September 21st at 7:30 there would be a Special Town Council meeting to approve the 2007 budget.

Park Policies and Procedures

Curt Cooley presented the new Park Policies and would like for the Council to look them over and give him any suggestions they may have.

Consent Agenda:

Release of Performance Bonds –

None.

Release of Maintenance Bonds

Ashfield (Water-Sewer-Storm)

Bruce Hauk stated these have been satisfied.

Dave Mikesell made a motion to release the Maintenance Bonds for Ashfield. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Subsequent Connector Fee/Re-imbusement Fee Agreements

Maple Knoll Section 1
Countryside Section 11D
Andover Garden and Villas
Maple Knoll

Bruce Hauk stated these will be tabled until October.

Town Manager Report:

TIF class by Baker and Daniel scheduled for September 27th at 7:00 at WPW

Conversation regarding the sharing of costs with one Police Officer with the school

Final count of Special Census 24,075

Non-Reverting Fund to Council in October for approval

Fiber for Station 82

146th Street Path almost complete

Richardson Park has begun

Another opportunity with Drees along Thompson Drain

Trail into Quaker Park off of Oak Ridge have permission for the Town to accept easement for trail

Three or four weeks trail opening will be complete all the way to Quaker Park

Council Members Comments

Ron Thomas and Bob Smith thanked WPW for their hard work.

Dave Mikesell stated he received a letter from South Bend residents congratulating the Westfield Police Department for a job well done.

Claims:

Dave Mikesell made a motion to approve the Claims as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

With no further business the meeting adjourned at 9:15 p.m. Executive session followed.

Clerk-Treasurer

Council President